

Senate Bill 23

By: Senators Hawkins of the 49th, Pearson of the 51st, Murphy of the 27th, Butterworth of the 50th, Thomas of the 54th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

To amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy absorption systems, so as to provide that the failure to use safety belts may be considered evidence of causation, negligence; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy absorption systems, is amended by revising subsection (c) of Code Section 40-8-76, relating to safety belts required as equipment and safety restraints for children four years of age or younger, as follows:

"(c) Violation of this Code section ~~shall not constitute~~ may be considered evidence of negligence ~~per se nor or~~ contributory negligence ~~per se~~. Violation of subsection (b) of this Code section shall not be the basis for cancellation of coverage or increase in insurance rates."

SECTION 1.2.

Said part is further amended by revising subsection (d) of Code Section 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

"(d) The failure of an occupant of a ~~motor~~ passenger vehicle to wear a seat safety belt in any seat of a motor vehicle which has a seat safety belt or belts ~~shall not be considered evidence of negligence or causation, shall not otherwise be considered by the finder of fact on any question of liability of any person, corporation, or insurer,~~ shall not be any basis for cancellation of coverage or increase in insurance rates, ~~and shall not be evidence used to~~

25 ~~diminish any recovery for damages arising out of the ownership, maintenance, occupancy,~~
26 ~~or operation of a motor vehicle."~~

27 **SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.